

PATENT

Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. By virtue of the amendments above, Claims 1, 9-11, 19, and 20 have been amended and Claims 5, 8, 15, and 18 have been canceled without prejudice or disclaimer of the subject matter contained therein. In addition, new Claims 21-24 have been added. Currently, therefore, Claims 1-4, 6, 7, 9-14, 16, 17, and 19-24 are pending in the present application, of which, Claims 1, 11, and 23 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Allowable Subject Matter

The Official Action indicates that Claims 4, 8-10, 14, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. By virtue of the amendments to the independent claims to incorporate the subject matter contained in some of the allowable claims identified above, it is respectfully submitted that Claims 1 and 11 and the claims that depend therefrom are allowable over the cited documents of record. A more detailed discussion of Claims 1 and 11 is provided herein below.

Drawings

The indication that the drawings submitted on March 20, 2004 have been accepted is noted with appreciation.

PATENT

Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-3 and 11-13 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the disclosure contained in U.S. Patent No. 5,806,844 to Bailey et al. This rejection is respectfully traversed because Bailey et al. fails to disclose each and every element of independent Claims 1 and 11 and the claims that depend therefrom.

Bailey et al. discloses a container for storing sheets of photosensitive materials and a method of using the container such that the photosensitive materials are protected from light during insertion of the sheets into an imaging unit. Abstract. The container generally comprises a bag 34 that is manually removed by a user after the container is inserted into the imaging unit. In this regard, the Official Action has interpreted the bag 34 as being equivalent to the "blocking means" recited in Claims 1 and 11 of the present invention.

PATENT

Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

Even assuming for the sake of argument that the bag 34 of Bailey et al. may be interpreted as the "blocking means" of Claim 1, Bailey et al. fails to disclose other features of Claims 1 and 11. More particularly, for instance, with respect to Claim 1, as amended, Bailey et al. fails to disclose a means for moving the blocking means to an inactive mode in response to a media cassette being inserted into an imaging system, where the means for moving the blocking means includes a retainer element movable between start and end positions.

With respect to Claim 11, as amended, Bailey et al. fails to disclose that a blocking means is moved to an inactive mode after a media cassette is inserted into an imaging system, where moving of the blocking means to the inactive mode includes moving a retainer element between start and end positions.

Accordingly, Bailey et al. fails to disclose each and every element claimed in Claims 1 and 11 of the present invention and thus fails to meet the test for anticipation of Claims 1 and 11. The Examiner is thus respectfully requested to withdraw the rejection of Claims 1 and 11 and to issue an indication that Claims 1 and 11 are allowable over the cited documents of record.

The claims that depend from Claims 1 and 11 are also allowable over the cited documents of record at least by virtue of their dependencies upon respective allowable Claims 1 and 11.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

PATENT

Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-3, 5-7, 11-13, and 15-17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,201,511 to Kim in view of U.S. Patent No. 6,116,589 to Bortolotti. This rejection is respectfully traversed because the disclosures contained in Kim and Bortolotti, considered singly or in combination, fail to disclose the present invention as claimed in independent Claims 1 and 11 and the claims that depend therefrom.

Claim 1 has been amended to include the features of allowable Claim 8, as well as intervening Claim 5. In addition, Claim 11 has been amended to include the features of allowable Claim 18, as well as intervening Claim 15. For at least these reasons, it is respectfully submitted that Kim and Bortolotti, considered singly or in combination, fail to disclose all of the features claimed in Claims 1 and 15.

At least by virtue of the failure in Kim and Bortolotti to teach or suggest all of the features of Claims 1 and 11, a *prima facie* case of obviousness has not been established under

PATENT

Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1 and 11 and to allow these claims.

The claims that depend from Claims 1 and 11 are also allowable over the cited documents of record at least by virtue of their dependencies upon respective allowable Claims 1 and 11.

Newly Added Claims

New Claims 21-24 have been added to further define the present invention. Claims 21 and 22 are allowable over the cited documents of record for reasons similar to those asserted above with respect to Claims 1 and 11, respectively. Claims 23 and 24 are allowable over the cited documents of record because Claim 23 includes features of allowable Claim 4. Accordingly, the Examiner is respectfully requested to allow these claims.

Support for the features added to Claims 21, 22, and 24 may be found at least on page 5, lines 14-18 of the specification. Accordingly, these added features do not constitute new matter.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please

PATENT

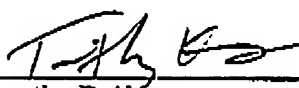
Atty Docket No.: 200309090-1

App. Ser. No.: 10/813,762

grant any required extensions of time and charge any fees due in connection with this request
to deposit account no. 08-2025.

Respectfully submitted,

Dated: July 27, 2005

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